

CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
9:00 A.M., October 4, 2005

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the September 20, 2005 regular meeting

AWARDS AND PROCLAMATIONS

- Proclamations:

“Vioneering Wichita Vision Partner Month.”
- Presentation by Norman Washington, Mid-America All-Indian Center Board Chairman

CONSENT AGENDA

1. Report of the Board of Bids and Contracts Dated September 26, 2005 and October 3, 2005.

RECOMMENDED ACTION: Receive and file report; approve Contracts;
authorize necessary signatures.

2. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2005</u>	<u>(Consumption on Premises)</u>
Dennis H. Grady Jo Lynn Blood	Wichita Canteen Company, Inc.* Pine Bay Golf Course, Inc.	1845 Fairmount 6615 West Grove
<u>Renewal</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
Doug Wald	Presto Convenience Stores LLC	2190 North Rock Road
Doug Wald	Presto Convenience Stores LLC	1350 North Oliver
Doug Wald	Presto Convenience Stores LLC	3311 North Rock Road
Doug Wald	Presto Convenience Stores LLC	2356 South Seneca
Doug Wald	Presto Convenience Stores LLC	515 North Seneca

(Item 2 continued)

Doug Wald	Presto Convenience Stores LLC	4821 South Broadway
Doug Wald	Presto Convenience Stores LLC	7236 West 21 st Street
Doug Wald	Presto Convenience Stores LLC	2001 South Oliver
Doug Wald	Presto Convenience Stores LLC	7990 East Central
Doug Wald	Presto Convenience Stores LLC	1254 South Tyler
Doug Wald	Presto Convenience Stores LLC	4414 West Maple
Doug Wald	Presto Convenience Stores LLC	7136 West Central
Doug Wald	Presto Convenience Stores LLC	1250 South Rock Road

<u>New Operator</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
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Kulwinder Jaswal	Petro America	223 East 21 st Street
Thuan Thi Ngo	CT Happy Store 2	8008 East 21 st Street

<u>Special Event</u>	<u>October 22 and 23, 2005</u>
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Delfino Morillon	Lienso Charrio Santa Rosa	2200 North Broadway
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*General/Restaurant - 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

3. Preliminary Estimates:

- a) Water Distribution System to serve Tyler's Landing 3rd Addition - south of 37th Street North, east of Tyler. (448-90103/735271/470942) Does not affect existing traffic. (District V) - \$134,000
- b) Lateral 24, Main 19 Southwest Interceptor Sewer to serve Tyler's Landing 3rd Addition - south of 37th Street North, east of Tyler. (468-84063/744141/480839) Does not affect existing traffic. (District V) - \$386,000
- c) Kellogg & Rock Road, Part 8: Eastern Bridge; Construction of Kellogg Freeway from east of Heather Street to west of Cypress Street - Kellogg & Eastern. (472-84254/702345/ 401360) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$11,500,000
- d) 2005 Contract Maintenance Concrete Repairs Drainage Hot Spots - north of 32nd Street South, west of Edgemoor. (472-84166/132718/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, III, IV, VI) - \$100,000
- e) Castle Rock from the south line of Lot 3, Block C, Krug North Addition north to the south line of Lot 14, Block C, Krug North 2nd Addition; Burning Tree from the north line of Lot 16, Block A, Krug North Addition to Castle Rock; Ayesbury and Camden Chase Court including the cul-de-sac; Camden Chase from the west line of the plat to Ayesbury; pavement on Ayesbury Circle from the east line of Castle Rock to and including the cul-de-sac; Sidewalk along one side of Castle Rock, Burning Tree, Camden Chase, and Ayesbury to serve Krug North Addition - north of 21st Street North, west of 143rd Street East. (472-83974/765941/490054) Does not affect existing traffic. (District II) - \$565,000
- f) Water Distribution System to serve English Country Gardens Addition - north of 13th Street North, east of Tyler. (448-89913/735267/470938) Does not affect existing traffic. (District V) - \$42,000

(Item 3 continued)

- g) Lateral 3, Main 11 Four Mile Creek Sewer to serve The Fairmont Addition - north of 21st Street North, west of 127th Street East. (468-83402/744135/480823) Traffic to be maintained during construction by using flagpersons and barricades. (District II) - \$461,150

RECOMMENDED ACTION: Receive and file.

4. Petitions for Public Improvements:

- a) Pave 37th Street North, from Maize to Manchester. (District V)
- b) Pave streets in Krug North and Krug North Second Additions, north of 21st Street, west of 143rd Street East. (District II)
- c) Construct Storm Water Drains in Copper Gate North Addition, north of 13th Street, west of 135th Street West. (District V)
- d) Construct a Sanitary Sewer Main to serve an area along 135th Street West, between Central and 21st Street. (District V)
- e) Paving improvements in Fox Ridge Addition, north of 29th Street North, west of Tyler. (District V)
- f) Construct Paving and Water Improvements for Falcon Falls Second Addition, north of 45th Street North, west of Hillside. (District I)

RECOMMENDED ACTION: Approve Petitions; adopt Resolutions.

5. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve the street closures.

6. Report on Claims Allowed for 2005:

<u>Name of Claimant</u>	<u>Amount</u>
Brueggemann, Pat	\$243.42**
Dunn, Barry	\$395.66
Harding, Shirley	\$250.00**
Susan's, Inc. (c/o Allied Insurance)	\$52.65

** Settled for lesser amount than claimed.

RECOMMENDED ACTION: Receive and file.

7. Agreements/Contracts:

- a) Easement Encroachment Agreement. (District II)
- b) Replace Power Service in the Wellfield.
- c) Cost Sharing Agreement for Improvements to Interactive Fountain in Riverside Park. (District VI)
- d) Hillside Bridge at Range Road. – Supplemental. (District VI)
- e) Intersection of Maple and Ridge. – Supplemental. (District V)
- f) Construction Engineering and staking in The Waterfront Addition, north of 13th Street, east of Webb. – Supplemental. (District II)
- g) Renewal of Air Quality Program Grants.
- h) Blind and Physically Handicapped, Talking Books Contract.

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

8. Design Services Agreement: Brentwood South Addition, east of Webb, north of Pawnee. (District II)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

9. Change Order: River Corridor Improvements. (District VI)

RECOMMENDED ACTION: Approve the Change Orders and authorize the necessary signatures.

10. Property Acquisitions:

- a) Part of 6000 East Central for Central, Oliver to Woodlawn. (Districts I and II)
- b) Permanent Easements for Integrated Local Water Supply Plan.

RECOMMENDED ACTION: Approve budgets and Contracts; authorize necessary signatures.

11. Repair or Removal of Dangerous and Unsafe Structure.

Property Address

Council District

a. 1135 North Piatt

I

RECOMMENDED ACTION: Adopt the resolution to schedule a hearing and place this matter on the agenda for a Hearing before the Governing Body on November 15, 2005 at 9:30 a.m. or soon thereafter.

12. Lease for space at Health Department, 1900 East 9th. (District I)

RECOMMENDED ACTION: Approve the Lease Agreement and authorize the necessary signatures.

13. Drug Court Enhancement Grant Award.

RECOMMENDED ACTION: Approve the grant award and authorize the necessary signatures.

14. Title Insurance, Abstract and other related services-Selection of Vendor.

RECOMMENDED ACTION: 1) Approve the selection of First American to provide title insurance, abstracts and other related services and 2) authorize the necessary signatures.

15. Expense for Senior Management for Month of August 2005.

RECOMMENDED ACTION: Receive and file report.

16. Payment of Condemnation Award, Case No. 05 CV 2275-Pawnee and Washington Intersection Improvement Project. (District III)

RECOMMENDED ACTION: Authorize payment to the Clerk of the District Court in the amount of \$103,611.00 for acquisition of property interests condemned in Case No. 05 CV 2275.

17. Repurchase of Parcel at 31st Street South and the Turnpike. (District III)

RECOMMENDED ACTION: 1) Authorize the repurchase; 2) approve the budget and 3) authorize the necessary signatures.

18. Second Reading Ordinances: (First read September 20, 2005)

a) Public Hearing and Issuance of Industrial Revenue Bonds, Ethanol Products, LLC. (District II)

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of \$2,000,000 aggregate principal amount of Taxable Industrial Revenue Bonds, Series III, 2005 Ethanol Products, LLC) for the purpose of providing funds to acquire, construct and equip a company headquarters facility; prescribing the form and authorizing execution of a Trust Indenture by and between the City and Bank of Oklahoma, N.A., Tulsa, Oklahoma, as trustee with respect to the Bonds; prescribing the form and authorizing the execution of a Lease Agreement by and between the City and Ethanol Products, LLC; approving the form of a Guaranty Agreement; and, authorizing the execution of a Bond Replacement Agreement by and between the City and Ethanol Products, LLC, as purchaser of the Bonds.

b) Economic Development Incentives Agreement for Franchise Services Company. (District II)

An Ordinance of the City of Wichita, Kansas, authorizing a certain Economic Development Grant and prescribing the form and authorizing the execution of a forgivable loan agreement and promissory note by and between Franchise Services Company, LLC, and the City of Wichita, Kansas.

c) Greenwich Road Improvement, between 13th Street and 27th Street North. (District II)

An Ordinance declaring Greenwich, between 13th Street North and 27th Street North (472-84274) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same.

d) Harry Street Improvement, from K-42 Highway to Meridian. (District IV)

An Ordinance declaring Harry, between K-42 Highway and Meridian (472-84001) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same.

e) ZON 2005-21 - North of 41st Street North and on the east side of Meridian. (District VI)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. (ZON 2005-21)

RECOMMENDED ACTION: Adopt Ordinances.

UNFINISHED BUSINESS

19. Repair or removal of unsafe structures, 1304, 1308 & 1308 ½ North Piatt. (District I)
(Continued September 13, 2005)

RECOMMENDED ACTION: Adopt the recommendation of the Board of Code Standards and Appeals. However, any extensions to repairs would be providing that all provisions of City Council Policy 33 are complied with. If any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure.

NEW BUSINESS

20. Mid-America All-Indian Center Improvements (MAAIC). (District VI)

The Mid-America All-Indian Center (MAAIC) is located at the confluence of the Big and Little Arkansas Rivers on land where the Wichita tribe camped more than one hundred years ago. The arrowhead-shaped building, located at 650 North Seneca, was a Bicentennial gift to all Indians from the people of Wichita.

RECOMMENDED ACTION: Adopt the Resolution; approve the project; authorize staff to select a consultant and authorize the necessary signatures.

21. Water and Sewer Utility Revenue Bonds, Series 2005C.

The City is offering for sale one series of Water and Sewer Utility Revenue Bonds (Series 2005C) totaling \$46,975,000 for the purpose of providing permanent financing for capital improvement projects of the Utility.

RECOMMENDED ACTION: 1) Direct the opening and reading of the bids; 2) award the sale of the Bonds and 3) find and declare, upon the request of the Mayor, that a public emergency exists, requiring the final passage of the Bond Ordinance on the date of its introduction; adopt the Bond Ordinance and Resolution and authorize the publication thereof.

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

* Consent Items

22. *VAC2004-00059-Request to vacate a portion of a utility easement dedicated by separate instrument, generally located north of 21st Street North on the east side of Ridge Road. (District V)

RECOMMENDED ACTION: Approve the Vacation Order, and authorize the necessary signatures.

23. *SUB2005-29-Plat of Newman University Second Addition, located on the south side of Kellogg and west of Meridian. (District IV)

RECOMMENDED ACTION: Approve the documents; authorize the necessary signatures and adopt the resolution.

24. *SUB2005-79-Plat of Fairmont Fourth Addition, located north of 21st Street, north and west of 127th Street East. (District II)

RECOMMENDED ACTION: Approve the document and plat; authorize the necessary signatures and adopt the Resolution.

25. *CUP2002-00038 (DP-67 Amendment #5) and ZON2002-00055-Extension of time to complete the platting requirement for an amendment to the Northborough Community Unit Plan (CUP) and a zone change from General Office and Multi-family Residential to Office Warehouse. Generally located south of 21st Street North and east of Woodlawn. (District II)

RECOMMENDED ACTION: Approve extension of time to complete platting to February 8, 2006.

26. *CUP2002-00039 (DP-263) and ZON2002-00057-Extension of time to complete the platting requirement for the Woodborough Commercial Community Unit Plan and a zone change from Single-Family to Limited Commercial. Generally located south of Rockhill and east of Woodlawn. (District II)

RECOMMENDED ACTION: Approve the extended platting deadline of February 8, 2006.

27. *CUP2003-00052 (DP-268) and ZON2003-00050-Extension of time to complete the platting requirement for the Holland Commercial Community Unit Plan and a zone change from Single-Family and Limited Commercial to General Commercial. Generally located north of Kellogg and west of Tyler. (District V)

RECOMMENDED ACTION: Approve extended platting deadline of February 8, 2006.

28. *Consider a resolution to authorize the support for and filing of 2008 Transportation Enhancement Program applications to the Kansas Department of Transportation in support of the proposed repair of the Belmont Arches. (District II)

RECOMMENDED ACTION: Approve the Resolution of Support and authorization for application submittal to KDOT.

HOUSING AGENDA

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

*Consent items.

Inafay Grays-McClellan, Housing Member is also seated with the City Council.

- 28a. Public Hearing-Five-year and Year 2006 Annual Agency Plans.

RECOMMENDED ACTION: Conduct the Public Hearing; adopt the Resolution and authorize the necessary signatures relative to required certifications for the submission of the Wichita Housing Authority Five-Year and Year 2006 Annual Agency Plans.

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

*Consent items

29. *Airfield Pavement-Construction of Taxiway "L", "L-1" Compass Pad and Apron, extensions of Taxiway "H" and "H-1" Supplemental Agreement No. 2.

RECOMMENDED ACTION: Approve the supplemental agreement; adopt the resolution; approve the budget adjustment and authorize the necessary signatures.

30. Tenant Improvements-Security Gate "E" Change Order 1.

RECOMMENDED ACTION: Approve the change order and authorize the necessary signatures.

CITY COUNCIL

31. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

Adjournment

Workshop to follow